IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 15080 of 2005

Between:

P.Raja Hussain, S/o.P.Dastagir, Fair Price Shop Dealer,
Kotha Buruju (V), Dhone (M), Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue officer, Dhone, Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in cancelling the authorisation of the petitioner through the 2nd respondent's proceedings No.Rc.B.770/2005 dated 5-7-2005 as highly illegal, arbitrary and violative of Article 14, 19 (1) (g) and 21 of the Constitution of India and restrain the respondents from the proceedings further in pursuance of the said action.

Counsel for the Petitioner: MR.B.PURSHOTHAM REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

2. Grievance of the petitioner in this Writ Petition is that the order of the 2nd respondent dated 5.7.2005, whereby his dealership/authorization was cancelled, was based on a report of the 3rd respondent dated 16.6.2005, a copy of which was not furnished to the petitioner prior to the order of cancellation.

3. Learned counsel for the petitioner submits that the impugned order dated 5.7.2005 is in gross violation of principles of natural justice since the material gathered behind the back of the petitioner has been relied upon without putting him on notice thereof or without furnishing a copy of the report to him.

4. Since the petitioner preferred an appeal to the 2nd respondent on 8.7.2005, which is said to be still pending, the Writ Petition is disposed of with a direction to the 2nd respondent to consider and decide the appeal, as expeditiously as possible, not later than six (06) weeks from the date of receipt of a copy of this order taking into consideration all relevant aspects including the contention that the order of cancellation was passed without furnishing a copy of the report of the 3rd respondent dated 16.6.2005 to the petitioner, which, if true, would be in violation of principles natural of justice.

5. Writ Petition is disposed of accordingly. No costs.

13.07.2005

SSR

Issue copy in two days.

To

1 The Joint Collector, Kurnool.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue officer, Dhone, Mandal, Kurnool District.

4 2 CCs to G.P. for Civil Supplies, High Court of A.P. Hyderabad. (OUT)

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